

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During
Summer 2020 Demonstrations

INDEX NO 20-CV-8924(CM)(GWG)

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**DECLARATION OF ELISSA B.
JACOBS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISQUALIFY PLAINTIFF'S EXPERT
WITNESS**

Elissa B. Jacobs, being duly sworn, declares pursuant to 28 U.S.C. § 1746, under penalty of perjury, as follows:

1. I am a Senior Corporation Counsel in the office of GEORGIA M. PESTANA, Corporation Counsel of the City of New York, attorney for defendants. I submit this declaration in support of defendants' motion to disqualify Plaintiff's expert witness. I am familiar with the facts and circumstances stated herein based upon personal knowledge, the books and records of the City of New York, and conversations with its agents and employees.

2. On June 16, 2021, the plaintiff The People of the State of New York, represented by the Office of the Attorney General of the State of New York, informed defendants that they intended to engage Dr. Edward Maguire as an expert witness in the above-referenced litigation, and asked that defendants inform them if we believed there was a conflict of interest. On June 23, 2021, we informed them that we believed there would in fact be a conflict.

3. On Monday, June 28, 2021, I attended a meet and confer on the issue with individuals from the Office of the Attorney General, including Jaclyn Grodin and Lilian Marquez. Defendants' explained that a conflict of interest prevented Maguire from serving as plaintiffs' expert where the defendants had a pre-existing confidential relationship with Maguire

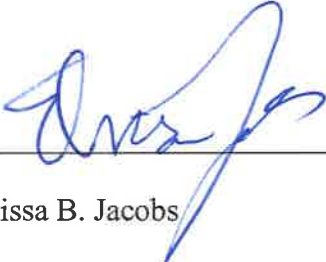
and he received confidential information concerning the very issues which are the subject of this litigation. Counsel for The People did not believe any such conflict existed and requested additional factual information in support of defendants' position. The meet and confer conference lasted approximately thirty minutes, and no resolution was reached.

4. On July 7, 2021, I attended a second meet and confer, along with Karen Griffin, Chief Ethics Officer for this Office, along with individuals from the Office of the Attorney General. The parties reiterated their prior positions, and the conference also lasted approximately one-half hour. I made clear that if plaintiff's named him as an expert, defendants would move to disqualify Dr. Maguire. Again, no resolution was reached.

5. Following this second meet and confer, the parties corresponded about remaining issues via e-mail. On July 15, 2021, I sent an e-mail following up on outstanding factual and legal information from the July 7, 2021 meet and confer. The parties did not have any additional discussions regarding Dr. Maguire until plaintiff named him as an expert on September 1, 2021.

6. For the reasons set forth above and in the accompanying memorandum of law, defendants respectfully request that the Court grant defendants' motion to disqualify Maguire as an expert witness.

Dated: New York, New York
November 4, 2021



Elissa B. Jacobs